

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1246**

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**Introduced by Assembly Member Blakeslee**

February 23, 2007

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An act to amend Section 65965 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1246, as amended, Blakeslee. Land use: natural resources: *transfer of property interests.*

Existing law allows a state or local public agency to authorize a nonprofit organization to hold title to, and manage an interest in, real property that the state or local public agency requires a property owner to transfer to the agency to mitigate any adverse impact upon natural resources caused by permitting the development of a project or facility, provided the nonprofit organization meets certain requirements.

This bill would ~~make technical, nonsubstantive changes to this provision~~ *authorize a state or local public agency that, in the development of its own project, is required to transfer an interest in real property to mitigate an adverse impact upon natural resources, to transfer the interest to a nonprofit organization that meets the specified requirements.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65965 of the Government Code is amended to read:

65965. (a) For the purposes of this section, the following definitions apply:

(1) “Direct protection” means the protection and preservation of natural lands or resources, including, but not limited to, agricultural lands, wildlife habitat, wetlands, endangered species habitat, open-space areas, or outdoor recreational areas.

(2) “Stewardship” encompasses the range of activities involved in controlling, monitoring, and managing for conservation purposes a property, or a conservation or open-space easement, as defined by the terms of the easement, and its attendant resources.

(b) Notwithstanding any other provision of law to the contrary, if a state or local public agency requires a property owner to transfer to the agency an interest in real property to mitigate any adverse impact upon natural resources caused by permitting the development of a project or facility, the state or local public agency may authorize a nonprofit organization to hold title to and manage that interest in real property, provided that the nonprofit organization is all of the following:

(1) Exempt from taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code, and qualified to do business in the state.

(2) A “qualified organization” as defined in Section 170(h)(3) of the Internal Revenue Code.

(3) An organization that has as its principal purpose and activity the direct protection or stewardship of natural land or resources, or cultural or historic resources, including, but not limited to, agricultural lands, wildlife habitat, wetlands, endangered species habitat, open-space areas, and outdoor recreational areas.

*(c) If a state or local public agency, in the development of its own project, is required to transfer an interest in real property to mitigate an adverse impact upon natural resources, the agency may transfer the interest to a nonprofit organization that meets the requirements set forth in paragraphs (1) to (3), inclusive, of subdivision (b).*

~~(e)~~

1     (d) The recorded instrument that places title with a nonprofit  
2 organization pursuant to subdivision (b) shall include, at a  
3 minimum, a provision that if the state or local public agency that  
4 authorized the nonprofit organization to hold the title, or its  
5 successor agency, determines that the interest in real property that  
6 is held by the nonprofit organization is not being held, monitored,  
7 or managed for conservation purposes in the manner specified in  
8 that instrument or in the mitigation agreement between the state  
9 or local public agency and the nonprofit organization, the interest  
10 in real property shall revert to the state or that local public agency,  
11 or to another public agency or nonprofit organization qualified  
12 pursuant to subdivision (b), approved by the state or local public  
13 agency.

14     ~~(d)~~—

15     (e) A state or local public agency shall exercise due diligence  
16 in reviewing the qualifications of a nonprofit organization to  
17 effectively manage and steward natural land or resources. The  
18 state or local public agency may adopt guidelines to assist the  
19 agency in that review process.